THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.26869 of 2005

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Dated:29.12.2005

Between:

Vital Rao, S/o. Late Ramachander Rao,
Allapur Village, Medak Dist.

..... PETITIONER

AND

The District Collector, Medak Dist. At Sangareddy.

.....RESPONDENTS

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.26869 of 2005

ORDER:

The petitioner is a resident of Allapur Village in Medak District. He claims to be the absolute owner and possessor of land in Survey Nos.1/AA(1/2), 59, 94/AA, 119/AA and Survey No.120/AA admeasuring Ac.1.36 guntas, Ac.10.21 guntas, Ac.5.03 guntas, Ac.0.16 guntas and Ac.1.00 respectively. He allegedly dug two bore wells fitted with electrical connection and using the same for cultivating Sugarcane crops and Banana trees. When one Mogulaiah and two others tried to interfere with his enjoyment, he filed a suit, being O.S.No.406 of 2005 on the file of the Court of the Principal Junior Civil Judge, Sangareddy, and obtained *ad interim* injunction on 02.09.2005 in I.A.No.1038 of 2005, which is still subsisting. In the meanwhile, the second respondent tried to interfere, compelling the petitioner to issue a legal notice on 17.09.2005. The petitioner contends that the second respondent has no power or authority to interfere with the land in Survey No.1/AA(1/2), admeasuring Ac.1.36 guntas or with the use of the bore wells.

Heard the learned Counsel for the petitioner and the learned Assistant Government

Pleader for Revenue (General). The learned Assistant Government Pleader has produced before this Court the relevant file from the office of the second respondent, which would show that the bore well was dug in the Village, which got submerged in Singur Dam. The two bore wells were dug by the Government, but the petitioner took possession of the same and using them for his own purpose. Therefore, by conducting panchanama on 23.08.2005, the Mandal Revenue Officer took possession of the same. In view of this, the *ad interim* injunction order passed by the civil Court is of no avail to the petitioner, especially when the Mandal Revenue Officer or any other revenue Officer is not made a party to the said suit. If the petitioner is still aggrieved by the action of the Mandal Revenue Officer, he may file an appropriate application before the first respondent for redressal.

The Writ Petition, with the above observation, is dismissed. No costs.

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(V.V.S.RAO, J)

29.12.2005

vs